

Green, LindaE

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From: Pettiford, Isabelle  
Sent: Wednesday, July 01, 2015 2:20 PM  
To: FOIA HQ  
Subject: FW: New FOIA  
Attachments: LCRMD-AR.pdf

This FOIA needs a FOIA number and assigned to OECA/OCEFT. Thanks

-----Original Message-----

From: Seaton, Tom  
Sent: Wednesday, July 01, 2015 1:47 PM  
To: Pettiford, Isabelle  
Subject: New FOIA

This one does need to be assigned to us.

And when you have the time, we just need a no records response for my signature.

Thanks

Tom Seaton, Deputy Director  
Legal Counsel Division (2232-A)  
Office of Criminal Enforcement, Forensics and Training Office of Enforcement and  
Compliance Assurance U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, Washington D.C. 20460

Office: (202) 564-2544

Fax: (202) 501-0579

-----Original Message-----

From: SEATON TOM [mailto:seaton.tom@epa.gov]  
Sent: Wednesday, July 01, 2015 12:55 PM  
To: Seaton, Tom  
Subject: LCRMD-AR-HQ-Digital Sender

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Please open the attached document.  
This document was sent to you using an HP Digital Sender.

Sent by:	SEATON TOM <seaton.tom@epa.gov>
Number of pages:	3
Document type:	B/W Document
Attachment File Format:	Adobe PDF

To view this document you need to use the Adobe Acrobat Reader.

For free copy of the Acrobat reader please visit:

<http://www.adobe.com>

For more information on the HP Digital Sender please visit:

<http://www.digitalsender.hp.com>

# **Fatal Encounters**

[www.fatalencounters.org](http://www.fatalencounters.org) 3375 San Mateo Ave., Reno NV 89509 775.842.5785

Office of Enforcement and Compliance Assurance  
Environmental Protection Agency Office of Enforcement and Compliance Assurance  
2201A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Public Records Administrator,

Under the Freedom of Information Act (5 U.S.C. Section 552), I am requesting the following documents:

Copies of reports that show details regarding incidents of fatal encounters involving people and your department, a branch within your department between January 1, 2000, and today's date. I'm also requesting copies of video of any incidents that was recorded by your agency during the same time period. Please also include the results of any investigations your department conducted of other agencies regarding these types of incidents.

The specific information I'm looking for includes: decedent's name, age, race, birthday, date of incident, date of death, any available photographs and video, location of death (address, city, state, zip code, county), agencies responsible for death, cause of death (e.g. gunshot, vehicle, Taser, etc.) or if the decedent died from drug overdose or other medical reasons during an arrest or while in custody, a brief description of the circumstances surrounding the death, official disposition of death (justified, or other), and whether the decedent exhibited symptoms of mental illness. I understand that some information, such as symptoms of mental illness may not be explicitly stated, and I don't ask that anyone try to decide or discern that information. Also, I'm willing to recast the request in a way that minimizes work for your agency. just let me know what is appropriate.

As a representative of the news media affiliated with FatalEncounters.org, an online database, and the Reno News & Review, I am gathering information on fatal encounters between people and law enforcement officers that is of current interest to the public because it is an issue that gained awareness in recent years.

Please note that 5 U.S.C. Section 552(a)(4)(A)(iv)(II) requires that you provide the first 100 copies to me at no charge.

However, I am requesting a waiver of all fees under 5 U.S.C. Section 552(a)(4)(A)(iii).

The information I seek is in the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I believe I meet the criteria for a fee waiver recognized by the U.S. Justice Department - in its policy guidance of April 1987 - and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.C.D. 1989).

Also, the information sought has informative value, or potential for contribution to public understanding. Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding).

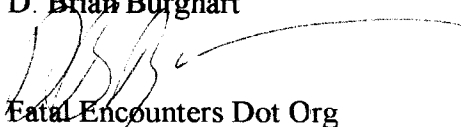
I plan to disseminate this information to the public at large in the following manner: FatalEncounters.org is an online database that provides people with an overview of how often fatal encounters between civilians and police officers occur, where they occurred, and details regarding the incident. There is high interest in the data that my website has acquired. The data has been used in reports from news outlets such as CNN, Washington Post, and The New York Times.

In your deliberations, please take note of the following cases: *Campbell v. U.S. Department of Justice*, 334 U.S. App. D.C. (1998) (administrative and seemingly repetitious information is not exempt from fee-waiver consideration); *Project on Military Procurement* (agencies cannot reject a fee waiver based on the assumption that the information sought is covered by a FOIA exemption; and *Landmark Legal Foundation v. Internal Revenue Service*, 1998 U.S. Dist. LEXIS 21722 (D.C.D. 1998) (the fact that the information will soon be turned over to a public body does not exempt the material from fee-waiver consideration).

I look forward to your response within the 20 working days, as outlined by the statute.

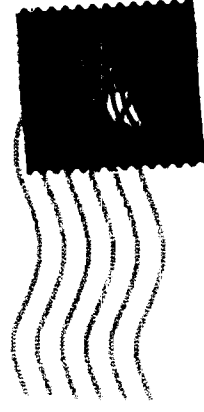
Thank you in advance,

D. Brian Burghart



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